

Protection Order Committee
Judicial Conference of Indiana

Minutes

October 26, 2007

The Protection Order Committee met at the Indiana Judicial Center on Friday, October 26, 2007 from 12:00 noon – 3:30 p.m.

1. Members present. Katherine Garza Bishko, David Bonfiglio, Dale Brewer, Therese Brown, Stephen D. Clase, John W. Hammel, Christopher A. Newton, Cheryl A. Williamson, and Thomas H. Busch, Chair.
2. Staff present. Jeffrey Bercovitz provided the committee with staff assistance.
3. Guests present. Mary DePrez, Director and Counsel, Trial Court Technology; LeJaun Epperson, JTAC; David Griffith, Staff Attorney, JTAC; Pat Hess, Consultant, Entara Technology Group, for JTAC; Clerk Tammy Baitz, Senior Judge Barbara Harcourt, JTAC; and Kristin Donnelly-Miller and James Walker, Division of State Court Administration were also present.
4. Minutes. The minutes for August 24, 2007 were approved.
5. Protection Order Registry.
 - a. Mary DePrez and Pat Hess gave a report on the implementation of the Protection Order Registry (POR). Mary reported JTAC did not receive the Electronic Signature and Rural courts grants. However, they still have two grants and do not have a “drop dead” date to implement the Protection Order Registry (POR) by December 31 of this year. Jeffrey Bercovitz distributed a sample POR press kit and monthly update on the POR.
 - b. Pat Hess demonstrated the POR with its latest enhancements to committee members. Members of the committee had questions concerning the description of a person as an intimate partner or child, and describing the petitioner as a protected person in order to protect the child.
 - c. Jeffrey Bercovitz asked JTAC to check to see if new protection orders entered in to the registry and then IDACS are getting to the national protection order registry.
 - d. JTAC agreed to add a “Request for No Contact Order” form. The committee requested it be forwarded to them for use as a paper form.
 - e. JTAC reported some counties were consolidating a protection order case into a dissolution case. The committee agreed by consensus this practice should not occur on a generally basis. It could only happen by use of Trial Rule 42.
 - f. JTAC asked committee members whether adult protective orders get a protection order case number. Committee members agreed to look at whether the definition of domestic and family violence applies, and whether the forms and registry can be used for this purpose. Judge Bonfiglio agreed to work with James Walker and Kristen Donnelly-Miller to see what should be done in this area.

- g. JTAC indicated some courts only wish to place initials on the petition when juvenile is the petitioner. Administrative Rule 9 may require initials only. Trial Rule 17 (c) requires filing by next friend. Committee members agreed to address the filing of petitions by juveniles at their next meeting.
- h. Jeffrey Bercovitz distributed an email from a law enforcement officer about whether the use of “No adverse contact orders” in his county was legal. Committee members said this term may apply to no contact orders or protection orders. It was agreed the officer should be contacted and urged to contact his commanding officer about this question. The committee also discussed the use of a “watermark” by the POR for NonViolent Contact Order (NVCO) and the use of a box on the registry for a “No Adverse Contact Order.”
- i. JTAC asked whether an order to “stay-away” from Wal-Mart for example, could be placed in the POR. Committee members believed it could be placed in the registry, however, it would not be forwarded to IDACS unless it was a protection order or no contact order.
6. Protection Order Deskbook revisions. Members of the committee agreed to review and revise the Protection Order Deskbook: Judge Hammel - Chapter 1, Clerk Brown and Clerk Yocum - Chapter 2, Magistrate Clase - Chapter 3, Judge Busch - Chapter 4, Mag. Williamson and Comm. Bishko - Chapter 5 and the Dissolution/Paternity section in Chapter 6 discussing NCOs, Judge Van Valer - Chapter 6, Judge Bonfiglio and Judge Busch – Chapter 7, Judge Bonfiglio – Chapter 9, and Judge Newton-Chapter 10. Committee members agreed to discuss chapter 1, 3, and 10 at the next meeting.
7. WVRO. Committee members discussed a question from Linda Major, Executive Director, Domestic Violence Affairs, Marion County Prosecutor’s Office concerning whether or not an agency can get a WVRO on behalf of all the employees of an agency, rather than the business itself. Committee members agreed there were complicated legal and factual issues with this question. They recommended Linda Major urge the business should talk to its lawyer to get either injunctive relief and/or a WVRO.
8. Future meeting dates.
- a. Members of the committee agreed to discuss deskbook revisions and assistance to JTAC at their next meeting. They agreed time for guests should be reserved near the end of the meeting.
- b. Committee members agreed to meet again on: Friday, January 25, 2008, February 22, 2008, March 28, 2008, April 25, 2008 and June 27, 2008, July 25, 2008, August 22, 2008 and October 24, 2008 all from 12:00 Noon – 3:30 p.m. at the Indiana Judicial Center. The committee will only meet once in January and February. If the January meeting is cancelled due to weather, the committee will meet in February.

Respectfully submitted,

Jeffrey Bercovitz, Director
Juvenile and Family Law